

“Frequently Asked Questions” about the Wisconsin Commercial Building Code”

What codes apply? The Wisconsin Commercial Building Code is Comm 61-65 of the state's Administrative Code. The WCBC adopts provisions of several of the International Code Council model Building Codes. Buildings originally built before 1914 that have not been changed are subject to the Existing Buildings Code, Comm 75-79.

What is the purpose of the WCBC? The buildings code sets minimum health, welfare and safety standards in terms of life safety, fire safety, accessibility, energy conservation, ventilation, heating, sanitary facilities, and structural soundness and are created in accordance with legislative authority. These codes are part of the state of Wisconsin Administrative Code and have the effect of law.

What is plan review? To help ensure the WCBC is followed, the state requires submission of building, HVAC (heating, ventilating and air-conditioning), and some fire protection plans for review and approval prior to the issuance of local building permits and the commencement of construction of commercial buildings. The agency designated to do most plan reviews is the Safety and Buildings Division of the state Department of Commerce. S&B has delegated authority to do some plan reviews and inspection to local authorities referred to as “Delegated Municipalities.” See <http://commerce.wi.gov/SB/SB-CommercialBuildingsDelegatedMunicipalities.html>. On-site inspections by the appropriate authority are made at periodic intervals to help ensure the approved plans are followed.

What kinds of construction are covered by the WCBC? All public and commercial buildings, multi-unit (three units or more) residential buildings, and places of employment are covered.

What types of buildings are exempt from the WCBC?

- Federally-owned buildings;
- One- and two-family dwellings (newer dwelling construction is covered by the state's Uniform Dwelling Code, Comm 20-25, which is enforced statewide);
- Buildings located on Indian reservations;
- Daycare centers serving 8 or less clients, CBRFs serving 8 or less clients;
- Some bed & breakfast inns; and
- Agricultural buildings (as defined by statute) are exempt from the requirements of this code. The code **does apply** to buildings for agricultural-related activities that involve animals or plant products that are not raised by the building owner or tenant, such as horse boarding stables, some farm markets, and commercial grain elevators. The code also applies to horse riding arenas because the activity is public horse-riding, not horse raising.
- Also exempted are home occupations, other than those involving explosives, fireworks or repair of motor vehicles, that use no more than 25 percent of the habitable area of a one- or two-family dwelling and have no more than one non-family employee. See Comm 61.02 for a complete list of exempted buildings.

When does the current edition of the WCBC apply? The current edition applies whenever a covered building is built, added onto, altered, or when used for certain new purposes that have different applicable code requirements, as for example, a warehouse to apartment building conversion. Covered alterations include those affecting structural strength, fire hazard, and exiting. Otherwise, with a few exceptions, an existing building needs to be maintained to meet the code edition under which it was approved.

What about building accessibility for people with disabilities? The state codes require various accessibility features, based on federal requirements, for a building undergoing construction work, so that it is generally usable by people with disabilities. Depending on the size and use of the buildings, an elevator may be required. Some alterations and additions may require additional changes to existing sanitary facilities and passageways to make the new construction accessible. The federal government may also have requirements for the removal of accessibility barriers in existing commercial buildings.

Who administers the WCBC? The Safety and Buildings Division of the state Department of Commerce, administers the code, with exceptions. The cities of Milwaukee, Madison and Janesville conduct plan reviews and inspections of projects within their boundaries except for state-owned projects. Customers have a choice of going to the state, Madison or Janesville for their plan reviews. Some other municipalities have been delegated by the S&B to conduct plan reviews and inspections of new buildings of less than 5,000 square feet area, certain small additions, and alterations of less than 10,000 square feet. See <http://commerce.wi.gov/SB/SB-CommercialBuildingsDelegatedMunicipalities.html>. The Wisconsin Department of Health and Family Services reviews hospitals and nursing homes.

What is the owner's responsibility?

The owner is responsible for:

- Obtaining plan review approval and local permits.
- Hiring competent designers and contractors.
- Providing accurate information to the designer regarding the intended use of the building and any changes in use.
- Providing S&B the name of a supervising professional to monitor the project.
- Signing the plan approval application form when requesting permission to start foundation before plan review.
- Correcting code non-compliance items noted by inspectors or by supervising professional.
- Maintaining building per applicable codes.
- Meeting all requirements of codes from other state departments (DNR, Health, Public Instruction).

When must someone submit construction plans to S&B for review? Someone must submit plans for all new construction, alterations, additions and changes-in-use, except for offices, storage buildings, mercantile buildings, greenhouses and storage garages of less than 25,000 cubic feet total volume. All of these projects still are covered by the current code, even though plans don't have to be submitted to the state. This plan review exemption does not apply to other occupancies such as repair garages, apartment buildings or to theaters, churches or restaurants serving over 100 people. You must submit plans for all new construction, alterations, additions and changes-in-use. Certain buildings containing less than 25,000 cubic feet total volume, including restaurants, offices,

factories, storage buildings, mercantile buildings, greenhouses and storage garages, do not need to be submitted for review. However, even though plans don't have to be submitted to the state, these buildings must still meet all applicable requirements of the code. This plan review exemption does not apply to occupancies such as churches, apartment buildings, hazardous buildings, schools, daycare centers or theaters regardless of size.

What plans must be submitted to S&B for review? Someone must submit sufficient plans to show that the requirements of all codes have been met. The plan submittal checklists on the S&B WebSite, <http://commerce.wi.gov/SB/SB-CommBldgPlanRevInfo.html>, help ensure adequate information is being submitted to verify compliance to the codes.

Who pays for plan reviews and inspections? The submitter of the required plans pays fees to the state for the cost of these activities.

When must a registered engineer, architect, or building designer be involved? Wisconsin-registered design professionals must be used whenever the total completed building volume meets or exceeds 50,000 cubic feet. The design professional must sign and seal each plan page or an indexed cover page listing all the sheets. A registered supervising professional must also be retained from project start to completion. This may or may not be the same person as the designer. This registered professional is required to make periodic on-site observations to help ensure the building is constructed in accordance with the approved plans. At the completion of the project, the supervising professional must file a "Compliance Statement" with S&B certifying that the completed building was constructed in substantial agreement with the approved plans. An out-of-state designer, who is not registered in Wisconsin, needs to work with a Wisconsin registered design professional to certify the plans before they are submitted to the state for review and to be the on-site supervising professional. For certain smaller projects, an owner may elect to have a registered design professional prepare plans and file a "Building Registration" in lieu of submitting plans for review.

How does someone determine building volume? Volume is based on the actual cubic space enclosed within the outer surfaces of the building including attics, basements, enclosed porches, and garages. For spaces with a roof, but no enclosing walls, volume is measured to supporting columns or to edge of the roof when structure is cantilevered without supporting columns.

Who has records for my existing building? S&B retains plan review files for up to three years, after which they are destroyed. The State Historical Society or the municipal building inspection department may have older records.

How is a state plan review arranged? The designer or owner requests a plan review appointment, <http://commerce.wi.gov/SB/SB-DivPlanReview.html>. The appointment should be set as far in advance as possible based on when the plans are expected to be completed. The plans may be for the building, HVAC, and / or structural components (trusses, precast concrete, metal building) either in combination or separately. Plans for fire protection systems are submitted to the Waukesha and Green Bay Offices.

Plan review by appointment? Plan review by appointment provides for review at a future date as soon as possible after the plan sets are actually available. If an appointment is not made, plans are scheduled in the next available opening, which may be many days from when they are received. Plans must be received by 2 p.m. two days before the scheduled review. Plan review by appointment, which is done online, provides a calculation of correct fees, <http://commerce.wi.gov/SB/SB-DivPlanReview.html>.

What needs to be submitted?

- Completed application form SBD-118, signed in original ink by the supervising professional, if one is required by the building size. Including previous owners' names, previous S&B building plan numbers, etc., will avoid unnecessary delays in the processing of your plan for review.
- Four complete bound sets of plans. (Up to five additional sets may be stamped at no additional fee if included with the initial review. Later "re-stamp" plans require a handling fee)
- One set of specifications
- One set of calculations (structural, HVAC, and energy),
- Completed calculation worksheets (if desired - in lieu of providing this information on the plans)
- Only one set of structural component plans is typically required to be submitted at the time of original or subsequent review, unless the reviewer requires four.
- Appropriate fees - see application form, SBD-118, or use fee calculation provided by online scheduling.

Shortcut on number of plan sets required to be submitted? As a cost saving measure for designers, S&B accepts submittal of one full set of signed and sealed plans and three signed and sealed index pages. Upon approval the reviewer will then stamp each plan index sheet and return to the designer to distribute the rest of the pages. If the plans are held for corrections, the signed and sealed revised plan and index sheets indicating the appropriate revision date would need to be submitted.

What happens during the review process?

After reviewing the plans, the examiner will take one of three actions:

Conditionally Approved means that the plans substantially conform to the applicable codes, with any exceptions noted in the approval letter. Approval expires one to three years after the date of approval depending on the type of project. In addition, local approvals are usually necessary.

Withheld for Additional Information means that the plans or calculations are missing significant information or that there appears to be conflicts with the codes that are serious enough that changes to the plans and / or calculations must be submitted to S&B. Any revised information submitted to the Division as a result of this action must be signed and sealed by a Wisconsin registered professional. Resubmitted plans will be acted on in a timely manner.

Denied Action means that there are serious conflicts with the codes that will require the submittal of new plans if the project is to proceed.

How fast are plans reviewed? The goal is within one day of appointment date. The plans should be reviewed within 15 business days of receipt of all required data. Scheduling an appointment and submitting a complete set of plans and calculations, are important.

Does someone need to be present for the review? No. It is not possible to guarantee an exact time that the plan review will take place. If additional information or questions arise during the review, the reviewer will contact the designer by telephone to discuss the items and to help expedite the approval process.

If someone has code questions regarding their project, can they get a “preliminary review” before review submission? Time and staff limitations do not allow for a complete preliminary review prior to submission. However, designers are encouraged to contact a building plan reviewers listed answers to specific code questions. If the construction project has some unique questions that could affect the entire project, the designer may contact one of the S&B reviewers to consider a preliminary design meeting.

What if someone is in a hurry to begin construction? It is possible for you to start construction before full plan approval in the following ways:

Permission to Start

1. This allows construction of footings and foundation only (after a preliminary, cursory review of building plan document submittal).
2. The owner must review and sign the SB-118 form and be advised that the footings and foundation are NOT conditionally approved at this time (and the owner is proceeding at own risk - later correction of code deficiencies may be required).
3. The owner will not permit construction above foundation, until the full building plans have been approved (and approved plan is at the job site).
4. SBD-118 application form signed by owner and supervising professional..
5. Four sets of footing foundation component plans or complete building plans, and
6. Additional fees as listed on application form.

Footing and Foundation Approval provides for review when only the footings and foundations plans are submitted. (Schematic drawings of the rest of the construction along with appropriate structural calculations must also be submitted) In either case, the owner is at risk to correct any problems cited during full building plan review.

What if there is a possibility a project can't comply with the code because of special circumstances? A designer should discuss the possibilities with S&B staff as soon as possible. If code compliance cannot be achieved, the owner must provide equivalency with the intent of the code through a “Petition for Variance.”

What if someone wishes to preserve the character of a historic building that is being altered?

An owner may elect to use the Historic Building Code, Comm 70, in the case of a registered historic building. The code offers a number of design tradeoff options through a point system.

Are other plans or permits required for a project?

A building may be subject to state plan reviews of:

- Plumbing and private sewage systems under Comm 81-85;
- Elevators or escalators under Comm 18;
- Swimming pools or aquatic centers within a commercial / public facility under Comm 90;
- Tank storage of 5,000 gallons or more of flammable or combustible liquids under Comm 10
- There is no state electrical plan review.

For licensing of Hotels, Motels, Restaurants, Pools, Campgrounds and Bed and Breakfast establishments contact the state Department of Health and Family Services. State plan review is separate from local permits. Always check with the local municipality and county for their requirements.

After plans are approved, who may do the construction work? The following construction work must be done by state-credentialed contractors: HVAC, fire sprinklers, plumbing, and structural welding. Local licensing requirements may also apply.

How do inspections occur when construction starts? A state and/or local building inspector will conduct periodic inspections for compliance with the approved plans, any conditions of approval, and the codes. If the construction is changed from the approved plans, revised plans may be required to be submitted to the state for review. If shortcomings are found, a report is provided to the designer for resolution and reply. If there are outstanding deficiencies at the final inspection, Formal orders are sent to the owner. If these deficiencies are not corrected by a specified time, S&B will pursue legal action. Before building occupancy, the supervising professional must submit to S&B and the municipality a "Compliance Statement" stating the building was built to the approved plans and code. After occupancy, a local fire inspector will periodically inspect the building to ensure continued code compliance. Note that in general, new codes are not retroactively applied to existing buildings.